

Chief Judge Ricardo S. Martinez

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

V.

MANUELA ZAHN,

Defendant.

No. 19-cr-203-RSM-8

ORDER ON DEFENDANT'S MOTION  
TO CHANGE PLEA VIA REMOTE  
HEARING

**I. ORDER**

The court has reviewed Ms. Zahn's motion, the record in this matter, and the applicable law. Being fully advised and finding oral argument unnecessary, the court GRANTS Ms. Zahn's motion as more fully described herein.

**II. ANALYSIS**

The Federal Rules of Criminal Procedure make no provision for a defendant to enter a guilty plea except while in open court. See generally Fed. R. Crim. P. Due to the COVID-19

ORDER GRANTING  
MOTION FOR REMOTE HEARING  
*U.S.A. v. Zahn, 19-cr-203-RSM*

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1 pandemic and the public health emergency, Congress enacted the Coronavirus Aid, Relief, and  
 2 Economic Safety Act (“CARES Act”), which provides that certain criminal proceedings may  
 3 proceed by video teleconferencing during the COVID-19 national emergency, including a guilty  
 4 plea in a felony case. See CARES Act § 15002. To do so, the Judicial Conference of the United  
 5 States first must find that the COVID-19 emergency will materially affect the functioning of the  
 6 federal courts generally or a particular court. Id. § 15002(b)(2)(A). It has done so. See  
 7 Administrative Office of the United States Courts, Judiciary News, Judiciary Authorizes  
 8 Video/Audio Access During COVID-19 Pandemic (Mar. 31, 2020),  
 9 [https://www.uscourts.gov/news/2020/03/31/judiciary-authorizes-videoaudio-access-during-](https://www.uscourts.gov/news/2020/03/31/judiciary-authorizes-videoaudio-access-during-covid-19-pandemic)  
 10 [covid-19-pandemic](https://www.uscourts.gov/news/2020/03/31/judiciary-authorizes-videoaudio-access-during-covid-19-pandemic).

11 On March 30, 2020, this court fulfilled the second requirement of the CARES Act for  
 12 permitting guilty plea hearings via video teleconferencing when it entered a finding “that felony  
 13 pleas under Rule 11 of the Federal Rules of Criminal Procedure and felony sentencings under  
 14 Rule 32 of the Federal Rules of Criminal Procedure cannot be conducted in person without  
 15 seriously jeopardizing public health and safety.” See GO 04-20 at 2; see also CARES Act §  
 16 15002(b)(2)(A).

17 Third, the CARES Act requires that the district court in the particular case must find “for  
 18 specific reasons that the plea . . . in that case cannot be further delayed without serious harm to  
 19 the interests of justice.” See CARES Act § 15002(b)(2)(A); see also GO 04-20. Accordingly, the  
 20 court finds that, because Ms. Zahn and the Government have reached an agreement concerning  
 21 his plea, the plea hearing in this case “cannot be further delayed without serious harm to the  
 22 interests of justice.” See CARES Act § 15002(b)(2)(A). Absent intervention, Ms. Zahn would  
 23 not be able to participate in a guilty plea hearing until at least October 5, 2020, see GO 13-20 at  
 24

1 2, despite having previously reached an agreement to resolve the case months earlier. In so  
2 finding, the court places special emphasis on the fact that Ms. Zahn's guilty plea hearing would  
3 have likely occurred by now but for General Order 02-20. Accordingly, the court GRANTS Ms.  
4 Zahn's motion to proceed with her guilty plea hearing via video teleconference.

5  
6 **III. CONCLUSION**

7 Based on the foregoing analysis, and within the specific parameters set forth above, the  
8 court GRANTS Ms. Zahn's motion to proceed with a guilty plea hearing via video  
9 teleconference.

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11  
12 DONE this 5<sup>th</sup> day of October, 2020.

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16 RICARDO S. MARTINEZ  
17 CHIEF UNITED STATES DISTRICT JUDGE  
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